

Panaji, 10th January 2019 (Pausa 20, 1940)

SERIES I No. 41

OFFICIAL GOVERNMENT OF GOA GAZETTE



PUBLISHED BY AUTHORITY

NOTE

There is one Extraordinary issue to Official Gazette, Series I No. 40 dated 3-1-2019, namely, Extraordinary dated 4-1-2019 from pages 2435 to 2436, Not. No. 1-49-2018-19/DSSL/Part/2053 regarding the Monthly Lottery Scheme from Department of Finance (Revenue & Control Division).

INDEX

Department	Notification/Order	Subject	Pages
1.a. Information & Publicity Director	Ord.- DI/ADMN/AMR/2017-18/ /18-19/4818	Creation of posts.	2437
b. —do—	Ord.- DI/ADMN/AMR/2017-18/ /18-19/4817	Final sanctioned staff strength.	2438
2. Labour Under Secretary	Not.- 24/44/2018-LAB/13	Issue of Identity Card in Smart Card Form.	2440
3. Law & Judiciary Under Secretary	Not.- 10/8/2017-LA-148	The Indian Institutes of Management Act, 2017.	2441
4. Mines Dir. & ex officio Addl. Secy.	Not.- DMG/MMDR/DMF/01/ /2015/7633	Goa District Mineral Foundation (Trust) Rules, 2018.	2459
5. Transport Dir. & ex officio Addl. Secy.	Not.- D.Tpt/Est/2375/2019/109	Fares chargeable by the operators of Stage Carriages/City Buses plying in the State of Goa.	2468
6. Women and Child Dev. Dir. & ex officio Joint Secy.	Not.- 1-981-Writ Pet (C) 565 of 2012 -DWCD-2018-Part I	The Goa Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes, 2018.	2468

GOVERNMENT OF GOA

Department of Information and Publicity

Order

DI/ADMN/AMR/2017-18/18-19/4818

Sanction of the Government is hereby accorded for creation of the following posts as per the details shown below:-

Sr. No.	Designation of the Post	Pay Scale	No. of posts created
1	2	3	4
Non-Ministerial (Non-Lapsable) Posts			
1.	Assistant Accounts Officer	Rs. 44900/- Level 7	01

Ministerial (Lapsable) Posts

1. Lower Division Clerk	Rs. 19900/- Level 2	01
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Total	-	02
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2. The expenditure on the creation of above posts would be met from the Budget Head mentioned against the posts:

1. Assistant Accounts Officer: 2220—Information & Publicity; 01—Films;
001—Direction & Administration;
01—Department of Information & Publicity (NP);
01—Salaries.
2. Lower Division Clerk: 2220—Information & Publicity; 60—Others;
106—Field Publicity; 01—Field Publicity (NP);
01—Salaries.

3. As per the recommendation and approval of the High Level Empowered Committee (H.L.E.C.), the following posts shall stand abolished, upon superannuation/retirement of the incumbent or upon the post falling vacant (for whatever reasons),

Sr. No.	Designation of the post [Non Ministerial (Non Lapsable) posts]	Name of the Official holding the post	Remarks
1.	TV Technician (1 post)	Shri Carmo Lazaro Dias	-
2.	Cinema Operator cum Record Keeper (1 post)	Shri Antonio Mathew Bocarro	
3.	Radio cum T. V. Mechanic (2 posts)	1. Shri Sudhakar Vithoba Faldesai 2. Shri Kamlakar Parwar	

Note: The existing strength of Drivers shall be continued, until further assessment of the vehicle fleet and requirement of the department, and any vacancies arising during the interim period shall not be filled up on regular basis.

4. This issues with the approval of the High Level Empowered Committee (H.L.E.C.) constituted with the approval of the Council of Ministers in the XXth meeting held on 8-11-2017 vide Order No. 1/1/2017-Addl. Secy(PER) dated 22-11-2017 issued by Department of Personnel.

5. Approval of the High Level Empowered Committee (H.L.E.C.) is conveyed vide letter No. 9/10/HLEC/2018-ARD/235 dated 16-08-2018, issued by the Department of Administrative Reforms, Secretariat.

By order and in the name of the Governor of Goa.

Gurudas P. Pilarnekar, Director (Information & Publicity).

Panaji, 7th January, 2019.

Order

DI/ADMN/AMR/2017-18/18-19/4817

In supersession of all the previous orders for creation/revival/re-designation/upgradation of the various posts, Government is pleased to indicate the final sanctioned staff strength of the Department including Goa State Information Commission as under for the next five years:—

Sr. No.	Designation of the Post	Pay Scale	Sanctioned Strength
1	2	3	4
Non-Ministerial (Non-Lapsable) Posts			
1.	Director	Rs. 67700/- Level 11	01
2.	Jt. Director	Rs. 56100/- Level 10	01
3.	Information Officer	Rs. 44900/- Level 7	02
4.	Assistant Information Officer	Rs. 35400/- Level 6	04
5.	Assistant Accounts Officer	Rs. 44900/- Level 7	01
6.	Videographer	Rs. 35400/- Level 6	01
7.	Accountant	Rs. 35400/- Level 6	02
8.	Information Assistant	Rs. 29200/- Level 5	11
9.	Translator (Marathi)	Rs. 29200/- Level 5	02
10.	Translator (Konkani)	Rs. 29200/- Level 5	01
11.	Photographer	Rs. 29200/- Level 5	03
12.	T. V. Technician	Rs. 29200/- Level 5	01
			(post to be abolished once vacant)
13.	Cinema Operator cum Record Keeper	Rs. 25500/- Level 4	01
			(post to be abolished once vacant)
14.	Radio cum T. V. Mechanic	Rs. 25500/- Level 4	02
			(posts to be abolished once vacant)
15.	Artist	Rs. 25500/- Level 4	01
16.	Photo Recorder	Rs. 19900/- Level 2	01
Ministerial (Lapsable) Posts			
17.	Section Officer	Rs. 44900/- Level 7	01
18.	Office Superintendent	Rs. 44900/- Level 7	01
19.	Head Clerk	Rs. 35400/- Level 6	01
20.	Senior Stenographer	Rs. 35400/- Level 6	03
21.	Jr. Steno (English)	Rs. 25500/- Level 4	05
22.	Jr. Steno (Marathi)	Rs. 25500/- Level 4	01
23.	Upper Division Clerk	Rs. 25500/- Level 4	09
24.	Lower Division Clerk	Rs. 19900/- Level 2	19
25.	Devnagari Typist cum LDC	Rs. 19900/- Level 2	01
26.	Driver	Rs. 19900/- Level 2	05
27.	Multi Tasking	Rs. 18000/- Level 1	15
Total:			96

As per the recommendation and approval of the High Level Empowered Committee (H.L.E.C.), the following posts shall stand abolished, upon superannuation/retirement of the incumbent or upon the post falling vacant (for whatever reasons).

Sr. No.	Designation of the post [Non Ministerial (Non Lapsable) posts]	Name of the Official holding the post	Remarks
1.	T. V. Technician	1. Shri Carmo Lazaro Dias	Post to be abolished on superannuation of the

2. Cinema Operator cum Record Keeper	1. Shri Antonio Mathew Bocarro	present incumbents/ /vacancy of the posts
3. Radio cum T. V. Mechanic	1. Shri Sudhakar Vithoba Faldesai 2. Shri Kamlakar Parwar	

Note: The existing strength of Drivers shall be continued, until further assessment of the vehicle fleet and requirement of the department, and any vacancies arising during the interim period shall not be filled up on regular basis.

This issues with the approval of the High Level Empowered Committee (H.L.E.C.) constituted with the approval of the Council of Ministers in the XXth meeting held on 8-11-2017 vide Order No. 1/1/2017-Addl. Secy(PER) dated 22-11-2017 issued by Department of Personnel.

5. Approval of the High Level Empowered Committee (H.L.E.C.) is conveyed vide letter No. 9/10/HLEC/2018-ARD/235 dated 16-08-2018 issued by the Department of Administrative Reforms, Secretariat.

By order and in the name of the Governor of Goa.

Gurudas P. Pilarnekar, Director (Information & Publicity).

Panaji, 7th January, 2019.



Department of Labour

Notification

24/44/2018-LAB/13

In pursuance of sub-section (2) of section 3 of the Goa Employment (Conditions of Service) and Retirement Benefit Act, 2001 (Goa Act 35 of 2001) and in supersession of Government Notification No. CL/P.A./(107)/2001/4152 dated 20-9-2001, published in the Official Gazette, Extraordinary No. 3, Series I No. 25, dated 21-9-2001, the Government of Goa hereby notifies that the identity card to be issued by the competent authority shall be in the form of a Smart Card and its size shall be 8 c.m. x 5 c.m. with photograph and particulars of the workmen in electronic chip giving the following details of the workman, namely:—

- (1) Application number.
- (2) Full name including first name, middle name and last name.
- (3) Complete current address.
- (4) Complete permanent address.
- (5) Gender.
- (6) Date of Birth.
- (7) Email-ID.

- (8) Mobile number.
- (9) Marital Status.
- (10) Number of years of residence in Goa.
- (11) Number of years of residence of his spouse in Goa.
- (12) Guardian's/Father's/Mother's name.
- (13) Religion.
- (14) Caste (Other Backward Class/Schedule Caste/Schedule Tribes/General).
- (15) Issuing Authority of the Caste Certificate with date and other details.
- (16) Aadhaar Card details.
- (17) Bank details.
- (18) Physical attributes (Height, Weight).
- (19) If differently abled, details.
- (20) Status of employment.
- (21) Mother tongue.
- (22) Family income.
- (23) Government service retiree/son or daughter of freedom fighter/sports person.
- (24) Employment Exchange Registration details.
- (25) Employed or un-employed.
- (26) Total working experience.
- (27) Working sector with employer details.
- (28) Work profile.
- (29) Salary details.
- (30) Employees State Insurance, Provident Fund, Health Card numbers.
- (31) Education Qualifications/details.
- (32) Medium of Education.
- (33) Nature of Course.

- (34) Grade/Percentage obtained.
- (35) Certificate course details/skilled set achieved.
- (36) Reference persons details.
- (37) Nominee details.
- (38) Payment details.

The Government further notifies that the Identity Card in the above details shall be issued in one single color.

This Notification shall come into force with immediate.

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Labour).
Porvorim, 2nd January, 2019.



Department of Law & Judiciary

Legal Affairs Division

Notification

10/8/2017-LA-148

The Indian Institutes of Management Act, 2017 (Central Act No. 33 of 2017), which has been passed by Parliament and assented to by the President on 31-12-2017 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 31-12-2017, is hereby published for the general information of the public.

Julio Barbosa Noronha, Joint Secretary (Law).

Porvorim, 14th June, 2018.

THE INDIAN INSTITUTES OF MANAGEMENT ACT, 2017

CHAPTER I

Preliminary

Sections

- 1. Short title and commencement.
- 2. Declaration of certain institutions as institutions of national importance.
- 3. Definitions.

Sections

CHAPTER II

The Institutes

- 4. Incorporation of Institutes.
- 5. Effect of incorporation of institutions.
- 6. Objects of Institutes.
- 7. Powers and functions of Institute.
- 8. Institutes to be open to all irrespective of sex, race, creed, caste or class.
- 9. Institute to be not-for-profit legal entity.

CHAPTER III

The Authorities of Institutes

- 10. Board of Governors.
- 11. Powers and functions of Board.
- 12. Term of office of, vacancies among, and allowances payable to members of Board.
- 13. Resignation of Chairperson.
- 14. Academic Council.
- 15. Power and functions of Academic Council.
- 16. Director.
- 17. Initiation of inquiry.
- 18. Custodian of records, etc.
- 19. Role of members of Society.
- 20. Committees and other authorities.

CHAPTER IV

Accounts and Audit

- 21. Grants by Central Government.
- 22. Fund of Institute.
- 23. Accounts and audit.
- 24. Books of account to be maintained by Institute.
- 25. Appointment of auditors.
- 26. Annual report of Director.
- 27. Board to consider statement of accounts.
- 28. Annual report of Institute.

CHAPTER V

Co-ordination Forum

- 29. Establishment of Co-ordination Forum.
- 30. Functions of Co-ordination Forum.

CHAPTER VI

Miscellaneous

- 31. Acts and proceedings not to be invalidated by vacancies, etc.
- 32. Returns and information to be provided to Central Government.
- 33. Institute to be public authority under Right to Information Act.

Sections

- 34. Power of Central Government to make rules.
- 35. Power to make regulations.
- 36. Ordinances how made.
- 37. Rules and regulations to be laid before Parliament.
- 38. Power to remove difficulties.
- 39. Transitional provisions.

THE SCHEDULE.

THE INDIAN INSTITUTES OF
MANAGEMENT ACT, 2017

AN

ACT

to declare certain Institutes of management to be institutions of national importance with a view to empower these institutions to attain standards of global excellence in management, management research and allied areas of knowledge and to provide for certain other matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:-

CHAPTER I

Preliminary

1. *Short title and commencement.*— (1) This Act may be called the Indian Institutes of Management Act, 2017.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

2. *Declaration of certain institutions as institutions of national importance.*— Whereas the objects of the Institutes mentioned in the Schedule are such as to make them institutions of national importance, it is hereby declared that each such Institute is an institution of national importance.

3. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “Academic Council” means the Academic Council referred to in section 15;

(b) “Board”, in relation to any Institute, means the Board of Governors referred to in sub-section (1) of section 10;

(c) “Chairperson” means the Chairperson of the Board of Governors of the Institutes appointed under clause (a) of sub-section (2) of section 10;

(d) “Coordination Forum” means the Co-ordination Forum established under section 29;

(e) “corresponding Institute” in relation to an Institute mentioned in column (3) of the Schedule, means an Institute as specified against the said Institute in column (5);

(j) “Director”, means the Director of the Institute appointed under sub-section (2) of section 16;

(g) “existing Institute” means any Institute mentioned in column (3) of the Schedule;

(h) “Institute” means any Institute mentioned in column (5) of the Schedule;

(i) “notification” means a notification published in the Official Gazette and the expression “notify” with its cognate meanings and grammatical variation shall be construed accordingly;

(j) “Ordinances” means Ordinances made by the Academic Council under this Act;

(k) “prescribed” means prescribed by rules made under this Act;

(l) “regulations” means regulations made by the Board;

(m) “Schedule” means the Schedule annexed to this Act;

(n) "society" means any of the societies registered under the Societies Registration Act, 1860 or the Mysore Societies' Registration Act, 1960 or the Madhya Pradesh Societies Registration Act, 1973 or the Tamil Nadu Societies Registration Act, 1975 or the Jammu and Kashmir Societies Registration Act, 1998 mentioned in column (3) of the Schedule.

CHAPTER II

The Institutes

4. *Incorporation of Institutes.*— (1) On and from the commencement of this Act, every existing Institute shall be a body corporate by the same name as mentioned in column (5) of the Schedule.

(2) Every Institute referred to in column (5) of the Schedule shall have perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

5. *Effect of incorporation of institutions.*— On and from the commencement of this Act,—

(a) any reference to an existing Institute in any contract or other instrument shall be deemed as a reference to the corresponding Institute;

(b) all properties, movable and immovable, of or belonging to every existing Institute shall vest in the corresponding Institute;

(c) all rights and debts and other liabilities of every existing Institute shall be transferred to, and be the rights and liabilities of, the corresponding Institute;

(d) every person employed by every existing Institute immediately before such commencement shall hold his office or service in the corresponding Institute, with the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension,

leave, gratuity, provident fund and other matters as he would have held had this Act not been enacted and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by regulations:

Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the Institute in accordance with the terms of the contract with the employee, or, if no provision is made therein in this behalf, on payment, to him by the Institute, of a compensation equivalent to three months' remuneration in case of permanent employee and one months' remuneration in the case of other employee:

Provided further that any reference, by whatever form of words, to the Director, and other officers of an existing Institute under any law for the time being in force, or in any instrument or other document, shall be construed as a reference to the Director, and other officers of the corresponding Institutes;

(e) every person pursuing, before commencement of this Act, any academic or research course in every existing Institute, shall be deemed to have migrated and registered with the corresponding Institute, on such commencement at the same level of course in the Institute from which such person migrated;

(f) all suits and other legal proceedings instituted or which could have been instituted by or against an existing Institute, immediately before the commencement of this Act, shall be continued or instituted by or against the corresponding Institute.

6. *Objects of Institutes.*— Each Institute shall have the following objects, namely:—

(a) to educate and support leaders who can contribute as professional managers, entrepreneurs, and stewards of existing and emerging enterprises in the private, public, and social sectors;

(b) to carry out research, publication, consultancy and advisory work to advance

new knowledge and innovation and to provide global leadership in management theory and practice:

Provided that research so conducted shall also be directed towards such areas of study which shall enhance inclusive, equitable and sustainable national development goals as enshrined in the objects of the Act;

(c) to provide management education of high quality and to promote allied areas of knowledge as well as “interdisciplinary studies”;

(d) to sensitise management education to the vision of inclusive, equitable and sustainable national development goals in order to contribute holistically to Society;

(e) to support and develop programmes promoting social and gender equity;

(f) to develop educational programmes and faculties that advance the cause of education, teaching and learning, across disciplines;

(g) to set-up centres for management studies and allied areas;

(h) to support and collaborate with management institutions and other educational institutions in India;

(i) to co-operate and collaborate with educational or management institutions in other countries to extend the interests of management education and research.

7. Powers and functions of Institute.— Subject to the provisions of this Act, every Institute shall exercise the following powers and perform the following functions, namely:-

(a) to carry out the administration and management of the Institutes;

(b) to provide by regulations for the admission of candidates to the various courses of study in conformity with the laws for the time being in force;

(c) to specify and conduct courses of study, training and research in management and allied subjects and document, and disseminate knowledge thereof;

(d) to evolve innovative management education pedagogy aligned to dynamic global management practices;

(e) to conduct examinations and to establish processes for evaluation and performance assessment through a fair and transparent system;

(f) to grant degrees, diplomas and other academic distinctions or titles and to institute and award fellowships, scholarships, prizes and medals, honorary awards and other distinctions;

(g) to lower the cost of education and to enhance the reach of the education by use of information and communication technology and other innovative methods;

(h) to establish and maintain such infrastructure as may be necessary;

(i) to determine, specify and receive payment of, fees and other charges as the Institute may deem fit, from students and any other person, institution or body corporate for instruction and other services, including training, consultancy and advisory services, provided by the Institute;

(j) to acquire, hold and deal with the property belonging to or vested in the Institute, with the approval of the Board, and in case of immovable property, under prior intimation to the Central Government, for advancing the objects of the Institute subject to the condition that such property is not obtained wholly or partly from the State Government or the Central Government funds;

Provided that where the land for the Institute has been provided free of cost by a State Government or the Central

Government such land may be disposed of only with the prior approval of the Central Government;

(k) to create academic, administrative, technical, ministerial and other posts under the Institute other than the post of Director of the Institute and to make appointments thereto;

(l) to appoint committees for the disposal of any business of the Institute or for tendering advice in any matter pertaining to the Institute;

(m) to receive grants, gifts and contributions and to have custody of the funds including internally generated funds of the Institute to meet the expenses, including capital expenditure of the Institute including expenses incurred in the exercise of its powers and discharge of its functions;

(n) to create partnership, affiliation and other classes of professional or honorary or technical membership or office as the Institute may consider necessary;

(o) to perform such other functions as may be necessary for carrying out the objects of the Institutes;

(p) to do all such things and activities, incidental to the attainment of all or any of the objects of the Institute.

8. *Institutes to be open to all irrespective of sex, race, creed, caste or class.*— (1) Every Institute shall be open to all persons irrespective of sex, race, creed, caste or class, and no test or condition shall be imposed as to religious belief or profession in admitting or appointing members, students, teachers or workers or in any other connection whatsoever.

(2) No bequest, donation or transfer of any property shall be accepted by any Institute which in the opinion of the Board involves

conditions or obligations opposed to the spirit and object of this section.

(3) The admission to every academic course or programme of study in each Institute shall be based on merit assessed through transparent and reasonable criteria disclosed through its prospectus, prior to the commencement of the process of admission by such Institute:

Provided that nothing in this section shall be deemed to prevent the Institute from making special provisions for the employment or admission of women, persons with disabilities or for persons belonging to any socially and educationally backward classes of citizens and in particular, for the Scheduled Castes and the Scheduled Tribes:

Provided further that every such Institute shall be a Central Educational Institution for the purposes of the Central Educational Institutions (Reservation in Admission) Act, 2006.

5 of 2007.

9. *Institute to be not-for-profit legal entity.*— (1) Every Institute shall be a not-for-profit legal entity and no part of the surplus, if any, in revenue of such Institute, after meeting all expenditure in regard to its operations under this Act, shall be invested for any purpose other than for the growth and development of such Institute or for conducting research therein.

(2) Every Institute shall strive to raise funds for self-sufficiency and sustainability.

CHAPTER III

The Authorities of Institutes

10. *Board of Governors.*— (1) The Board of Governors of each Institute shall be the principal executive body of that Institute.

(2) The Board of each Institute shall consist of the following members, namely:—

(a) a Chairperson, from amongst eminent persons distinguished in the field of

industry or education or science or technology or management or public administration or such other field, to be appointed by the Board;

(b) one nominee of the Central Government having charge of the management education or his representative;

(c) one nominee of the respective State Government or representative of such nominees, within whose territorial jurisdiction the Institute is located;

(d) four eminent persons, of which at least one shall be a woman, distinguished in the field of education, industry, commerce, social service or public administration, to be nominated by the Board, having such experience and in such manner as may be specified by regulations;

(e) two members from the faculty of respective Institutes to be nominated by the Chairperson, in the manner to be laid down by the Board by regulations;

(f) one person from the Scheduled Castes or Scheduled Tribes to be nominated by the Board from amongst the members referred to in clauses (d), (e) and (g);

(g) up to five persons to be co-opted by the Board from the alumni or the members of society of the existing Institute who have distinguished themselves in the field of management;

Provided that out of such five persons, not more than one member shall be from the Society;

(h) three women members to be nominated by the Board from amongst the members referred to in clauses (d), (e) and (g);

(i) Director of the Institute, *ex officio* member.

(3) The Board may nominate a person to fill up any temporary vacancy, of a member referred to in clauses (d) and (g) of sub-section (2), for a period which may extend to three months.

(4) The Board shall designate an officer of the Institute to act as Secretary of the Board.

(5) The Chairperson shall have the power to invite any number of experts, not being members of the Board, to attend meetings of the Board, but such invitees shall not be entitled to vote at the meeting.

11. *Powers and function of Board.*— Subject to the provisions of this Act, the Board of every Institute shall be responsible for the general superintendence, direction and control of the affairs of the institute and shall have the power to frame or amend or modify or rescind the regulations governing the affairs of the Institute to achieve the objects of the Institute specified in section 6.

(2) Without prejudice to the provisions of sub-section (1), the Board shall have the following powers, namely:—

(a) to take decisions on questions of policy relating to the administration and working of the Institute;

(b) to examine and approve the annual budget estimates of the Institute;

(c) to examine and approve the plan for development of the Institute and to identify sources of finance for implementation of the plan;

(d) to establish departments, faculties or schools of studies and initiate programmes or courses of study at the Institute;

(e) to set-up centres of management studies and allied areas within the country under intimation to the Central Government;

(f) to grant degrees, diplomas and other academic distinctions or titles, and

to institute and award fellowships, scholarships, prizes and medals;

(g) to confer honorary degrees in such manner as may be specified by the regulations;

(h) to grant honorary awards and other distinctions;

(i) to create academic, administrative, technical and other posts and to make appointments thereto:

Provided that the cadre, the pay scales, allowances and term of employment of such posts shall be such as may be determined by the Central Government;

(j) to determine, by regulations, the number and emoluments of such posts and to define the duties and conditions of services of the academic, administrative, technical and other staff;

(k) to set-up centres of management studies and allied areas outside India in accordance with guidelines laid down by the Central Government from time to time and in accordance with the provisions of the laws for the time being in force in such foreign country;

(l) to pay, variable pay to the Director of the Institute on the basis of performance objectives as may be specified by the regulations;

(m) to specify by regulations, the fees to be charged for courses of study and examinations in the Institute;

(n) to specify by regulations the manner of formation of department of teaching;

(o) to specify by regulations the institution of fellowships, scholarships, exhibitions, medals and prizes;

(p) to specify by regulations the qualifications, classification, terms of office

and method of appointment of the academic, administrative, technical and other staff of the Institute;

(q) to specify by regulations the constitution of pension, insurance and provident funds for the benefit of the academic, administrative, technical and other staff;

(r) to specify by regulations, the establishment and maintenance of buildings;

(s) to specify by regulations, the conditions of residence of students of the Institute and levying of fees for residence in the halls and hostels and of other charges;

(t) to specify by regulations, the manner of authentication of the orders and decisions of the Board;

(u) to specify by regulations, the quorum for meetings of the Board, the Academic Council or any Committee, and the procedures to be followed in the conduct of their business;

(v) to specify by regulations, the financial accountability of the institute; and

(w) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the rules made thereunder.

(3) Subject to the provisions of this Act, the Board may by regulations, delegate such powers and functions of the Board to the Director as it may deem fit.

(4) The Board shall conduct an annual review of the performance of the Director, in the context of the achievements of objects of the Institute:

Provided that such review shall include performance reviews of faculty members of the

Institute on such parameters, periodicity and terms of reference as may be determined by the Board.

(5) The Board shall, through an independent agency or group of experts, within a period of three years from the date of incorporation of the Institute, and thereafter at least once every three years, evaluate and review the performance of the Institutes, including its faculty, on the parameters of long term strategy and rolling plans of the Institutes and such other parameters as the Board may decide and the report of such review shall be placed in public domain.

(6) The qualifications, experience and the manner of selection of the independent agency or group of experts, referred to in sub-section (5), shall be such as may be specified by regulations.

(7) The report of the evaluation and review under sub-section (5) shall be submitted by the Board to the Central Government along with an action taken report thereon.

(8) Where in the opinion of the Chairperson or the Director the situation is so emergent that an immediate decision need to be taken in the interest of the Institute, the Chairperson, in consultation with the Director may issue such orders as may be necessary, recording the grounds for his opinion:

Provided that such orders shall be submitted for ratification by the Board in the next meeting.

(9) The Board shall in the exercise of its power and discharge of its functions under this Act, be accountable to the Central Government.

12. *Term of office of, vacancies among, and allowances payable to members of Board.*— (1) Save as otherwise provided in this section, the term of office of the Chairperson or any other member of the Board, other than an *ex officio* member, shall be four years from the date of his appointment or nomination:

Provided that the term of office of a member nominated under clause (e) of sub-section (2) of section 11 shall be two years from the date of his nomination:

Provided further that the Chairperson, or any other member of the Board, other than an *ex officio* member, may be appointed or nominated for a second term:

Provided also that the Chairperson or any other member of the Board, other than an *ex officio* member, shall not be appointed or nominated for more than two consecutive terms.

(2) The term of office of an *ex officio* member shall continue so long as he holds the office by virtue of which he is a member of the Board.

(3) A member of the Board, other than a nominee of the Central Government or the State Government, who fails to attend three consecutive meetings of the Board without permission of the Chairperson, shall cease to be a member of the Board.

(4) A casual vacancy of a member shall be filled up in accordance with the provisions of section 10.

(5) The term of office of a member nominated to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he has been so nominated.

(6) Members of the Board shall be entitled to such allowances, as may be specified in the regulations, for attending meetings of the Board.

(7) The Board shall meet at least once in every three months.

13. *Resignation of Chairperson.*— The Chairperson may, by notice in writing under his hand addressed to the Board, resign from his office.

14. *Academic Council.*— (1) The Academic Council shall be the principal academic body

of every Institute, consisting of the following persons, namely:—

(a) Director of the Institute, who shall be the Chairperson of the Academic Council;

(b) Deans in charge of academics, research, student affairs and such other functions of the Institute;

(c) Chairs of Areas or Programmes, Heads or Co-ordinators of Faculties or Schools or Centres or Departments, of the Institute;

(d) all full time Faculty at the level of Professors and such number of other full time Faculty of the Institute as may be determined by the Board;

(e) such members, by invitation of the Board on the recommendation of the Director, who are eminent in the fields of industry, finance, management, public administration and academics.

(2) The term of office of an *ex officio* member shall continue so long as he holds the office by virtue of which he is a member.

(3) The term of office of a member nominated under clause (d) of sub-section (1) shall be two years from the date of his nomination.

15. *Power and functions of Academic Council.*— (1) The Academic Council shall perform the following functions, namely:—

(a) to specify the criteria and process for admission to courses or programmes of study offered by the Institute;

(b) to specify the academic content of programmes and courses of study and undertake modifications therein;

(c) to specify the academic calendar, guidelines for conduct of examination and recommend grant of degrees, diplomas and other academic distinctions or titles.

(2) The Academic Council shall exercise such other powers and perform such other functions as may be conferred upon it, by this Act or the regulations or by the Board.

16. *Director.*— (1) The Director shall be the Chief Executive Officer of the Institute and shall provide leadership to the Institute and be responsible for implementation of the decisions of the Board.

(2) The Director shall be appointed by the Board, on such terms and conditions of service as may be prescribed.

(3) The Director shall be appointed out of the panel of names recommended by a search-cum-selection committee to be constituted by the Board, consisting of:—

(a) the Chairperson of the Board, who shall be the Chairperson of the search cum-selection committee;

(b) three members chosen from amongst eminent administrators, industrialists, educationists, scientists, technocrats and management specialists:

Provided that where the Board is not satisfied with the recommendations of the search-cum-selection committee, it may ask the search-cum-selection committee to make fresh recommendations.

(4) The Director shall exercise the powers and perform the duties as may be assigned to him under this Act or the regulations or as may be delegated to him by the Board:

Provided that the Board may lay down the criteria to be followed by the Director while exercising powers and performing his duties, which shall be evaluated by the Board annually, and if the Board is of the opinion that such criteria has not been followed, then, the Board may, after giving an opportunity of being heard to the Director, initiate action for removal of such Director under sub-section (7).

(5) The Director shall, except on account of resignation or removal, hold office for a term of five years, from the date on which he enters upon his office.

(6) The Director may, by notice in writing under his hand addressed to the Board, through the Chairperson, resign his office at any time.

(7) The Board may remove from office the Director, who—

(a) has been adjudged as an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Board, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as a Director; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Director; or

(e) has so abused his position or so conducted himself as to render his continuance in office prejudicial to the public interest:

Provided that the Director shall not be removed from office except by an order made by the Board, after an enquiry instituted by it in which the Director has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(8) Where the post of Director is likely to fall vacant on account of completion of tenure, the Board shall initiate the process of appointment nine months prior to the occurrence of such vacancy.

(9) Where the post of Director falls vacant on account of any reason, the Board may appoint the senior most faculty in the institution as the Director in charge till a regular Director is appointed:

Provided that if the senior most faculty is not willing to hold the post of Director in charge, then the next senior most willing faculty may be appointed as Director in charge.

17. *Initiation of inquiry.*— (1) The Board may initiate an inquiry as deemed proper against the Institute which has not been functioning in accordance with the provisions and the objectives of the Act:

Provided that such an inquiry shall be conducted by a retired High Court Judge.

(2) The Board may, based on the findings of such an inquiry, remove the Director or take any other action deemed fit, and the Institute shall be bound to comply with such directions within reasonable time.

18. *Custodian of records, etc.*— The Board may designate any officer or officers of the Institute as the custodian of records, common seal, funds of the Institute and any other property of the Institute.

19. *Role of members of Society.*— The members of the societies referred to at serial numbers 2 and 3 under column (3) of the Schedule, may be engaged by the respective Boards of corresponding Institutes, for advisory assistance to it, by passing a resolution in that behalf.

20. *Committees and other authorities.*— (1) The Board may, constitute such committees and other authorities of the Institute and specify the duties and functions of each such committees and authorities by regulations.

(2) The Board may constitute such *ad hoc* committees as it may deem fit, for proper management of affairs of the Institute.

CHAPTER IV

Accounts and Audit

21. *Grants by Central Government.*— For the purpose of enabling the Institutes to discharge their functions efficiently under this Act,

the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to every Institute such sums of money in such manner as it may think fit.

22. *Fund of Institute.*— (1) Every Institute shall maintain a Fund to which shall be credited—

(a) all moneys-provided by the Central Government;

(b) all fees and other charges received by the Institute;

(c) all moneys received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers;

(d) all moneys received by the Institute from utilisation of intellectual property arising from research conducted or rendering advisory or consultancy services by it; and

(e) all moneys received by the Institute in any other manner or from any other source.

(2) All moneys credited to the Fund of every Institute shall be deposited in such banks or invested in such manner as may be laid down by the Board by regulations.

(3) Each Institute shall create a corpus fund for long term sustainability of the Institute, to which shall be credited such per cent. of the net income of the Institute and donations made specifically towards such corpus fund as the Central Government may in accordance with the provisions of the Income Tax Act, 1961, notify: 43 of 1961.

Provided that the Board may also create endowment funds for specific purposes to which donations may be specifically made.

(4) The fund of any Institute shall be applied in such manner and for such purposes as may be specified by the regulations.

23. *Accounts and audit.*— (1) Every Institute shall maintain proper accounts including income and expenditure statements, internal audit report and statement audited by internal auditor specifying investments and other relevant records and prepare annual statement of accounts including the balance sheet in such form and as per such accounting standard as may be specified by notification by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) Where the statement of income and expenditure and the balance sheet of the Institute do not comply with the accounting standards, the Institute shall disclose in its statement of income and expenditure and balance sheet, the following, namely:—

(a) the deviation from the accounting standards;

(b) the reasons for such deviation; and

(c) the financial effect, if any, arising out of such deviation.

(3) The accounts of every Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by audit team in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

(4) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the Institute.

(5) The accounts of every Institute as certified by the Comptroller and Auditor-General of India or any other person

appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament in accordance with such procedure as may be laid down by the Central Government.

24. *Books of account to be maintained by Institute.*— Every Institute shall keep proper updated books of account with respect to—

(a) all sums of money received and expended by it and the matters in respect of which receipt and expenditure takes place;

(b) the assets and liabilities of the Institute;

(c) the properties, movable and immovable of the Institute.

Explanation.— For the purposes of this section, if books of account give a true and fair view of the state of affairs of the Institute and its transactions, it shall be deemed as proper books of account with respect to the matters specified therein.

25. *Appointment of auditors.*— (1) The Board of every Institute shall, prior to the end of every financial year, and without prejudice to the provisions contained in the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971 or any other law 56 of 1971. for the time being in force containing provisions for audit of accounts by the Institutes, appoint such auditors including the internal auditor, on such remuneration as it thinks appropriate, to scrutinise the balance sheet and the statement of income and expenditure of such Institute:

Provided that the Board shall change the auditors after every four years.

(2) The Board of every Institute shall constitute an Audit Committee to provide an expert advice on effectiveness of internal control system, risk management and audit report to the Board.

(3) The auditor appointed under sub-section (1) or any person employed by him shall not have any direct or indirect interest, whether pecuniary or otherwise, in any matter concerning or related to the administration or functions of the Institute.

26. *Annual report of Director.*— (1) There shall be attached to every statement of accounts laid before the Board of each Institute under section 27, a report, by its Director, with respect to—

(a) the state of affairs of such Institute;

(b) the amounts, if any, which it proposes to carry to any surplus reserves in its balance sheet;

(c) the extent to which under statement or over statement of any surplus of income over expenditure or any shortfall of expenditure over income has been indicated in the auditor's report and the reasons for such under statement or over statement;

(d) the productivity of research projects under taken by the Institute measured in accordance with such norms as may be specified by the Board;

(e) appointments of the officers and faculty members of the Institute;

(f) performance indicators and internal standards set by the Institute, including the nature of innovations in teaching, research and application of knowledge.

(2) The report of the Director shall also include a statement showing the names of the five officers including faculty members and other employees of the Institute who received the highest remuneration (including

allowances and other payments made to such employees) during the financial year and the contributions made by such employee during the financial year.

(3) The statement referred to in sub-section (2) shall indicate whether any such employee is a relative of any member of the Board or Academic Council of the Institute and if so, the name of such member; and such other particulars as may be determined by the Board.

(4) The Director shall also be bound to give the complete information and explanations in the report referred to in sub-section (1) on every reservation, qualification or adverse remark contained in the auditors' report.

27. *Board to consider statement of accounts.*— (1) The statement of accounts, including the balance sheet and the statement of income and expenditure, the auditor's report, the report of the Director and other documents required to be annexed or attached with such statement, shall be brought before the Board of concerned Institute in its meeting not later than three months, from the conclusion of the financial year.

(2) A copy of every statement of accounts referred to in sub-section (1) shall be sent to every member of the Board not less than twenty-one days before the date of the meeting.

(3) The statement of accounts referred to in sub-section (1) shall on its approval by the Board, be published on the website of the Institute.

28. *Annual report of Institute.*— (1) The annual report of every Institute shall be prepared under the directions of the Board, which shall include, among other matters, steps taken by the Institute towards the fulfilment of its objects and an outcome based assessment of the research being undertaken in such Institute.

Explanation.— For the purposes of this sub-section, the expression "outcome based assessment of research" shall mean an elaboration and analysis of the research conducted and the qualitative and quantitative outcomes of such research along with its impact factor and social outcomes.

(2) The annual report prepared under sub-section (1) shall be submitted to the Board on or before such date as may be specified by the Board who shall consider the report in its meeting.

(3) The annual report on its approval by the Board shall be published on the website of the Institute.

(4) The annual report of each Institute shall be submitted to the Central Government who shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

CHAPTER V

Co-ordination Forum

29. *Establishment of Co-ordination Forum.*— (1) With effect from such date as the Central Government may, by notification, specify in this behalf, there shall be established a Co-ordination Forum for all the Institutes.

(2) The Co-ordination Forum shall consist of the following members, namely:—

(a) an eminent person to be selected by a Search-cum-Selection Committee as may be constituted by the Co-ordination Forum, as chairperson:

Provided that the Co-ordination Forum may select one of its members to act as the chairperson till the chairperson is appointed;

(b) the Secretary to the Government of India, in charge of the Ministry or Department of the Central Government having administrative control of management education, member — *ex officio*;

(c) two Secretaries in charge of management education of State Governments in

which the Institutes are located, by rotation, each year, member — *ex officio*;

(d) four Chairpersons of Institutes, to be nominated by the Chairperson of the Co-ordination Forum, by rotation for two years;

(e) the Director of each Institute, member — *ex officio*;

(f) five persons of eminence, of which at least one shall be a woman, in academia or public service, to be selected by a sub-committee constituted by the Co-ordination Forum.

(3) The term of office of a member referred to in clause if of sub-section (2) shall be three years from the date of his nomination.

(4) The non-official members of the Co-ordination Forum shall be entitled to such travelling and other allowances, as may be prescribed.

(5) The Director of the host Institute where the meeting of the Co-ordination Forum takes place shall be the Member Secretary of the Co-ordination Forum and shall continue to be the Mernber-Secretary till a new host Institute is selected.

30. *Functions of Co-ordination Forum.*— (1) The Co-ordination Forum shall facilitate the sharing of experiences, ideas and concerns with a view to enhancing the performance of all Institutes.

(2) Without prejudice to the provisions of sub-section (1), the Co-ordination Forum shall perform the following functions, namely:—

(a) recommend to the Central Government, the institution of scholarships including for research and for the benefit of students belonging to the Scheduled Castes, the Scheduled Tribes and other socially and educationally backward classes of citizens;

(b) deliberate on such matters of common interest to Institutes as may be referred to it by any Institute;

(c) promote necessary co-ordination and co-operation in the working of the Institutes;

(d) review the achievement of policy objectives; and

(e) perform such other functions as may be referred to it by the Central Government.

(3) The Co-ordination Forum may constitute such committees as it may consider necessary for carrying out its functions under this section.

(4) The Chairperson of the Co-ordination Forum shall ordinarily preside at the meetings of the Co-ordination Forum and in his absence, any other member chosen by the members present amongst themselves at the meeting, shall preside at the meeting.

(5) The Co-ordination Forum shall submit a report on its functions under sub-section (2) to the Central Government.

(6) The Co-ordination Forum shall meet at least once in a calendar year.

(7) At each meeting of the Co-ordination Forum, the host institute, which would host the next meeting, shall be selected:

Provided that no Institute shall host the meeting for more than two consecutive years.

CHAPTER VI

Miscellaneous

31. *Acts and proceedings not to be invalidated by vacancies, etc.*— No act of any Institute or the Board or the Academic Councilor any other body set-up under this Act or the regulations, shall be invalid merely by reason of—

(a) any vacancy or defect in the constitution thereof; or

(b) any irregularity in its procedure not affecting the merits of the case; or

(c) any defect in the selection, nomination or appointment of a person acting as a member thereof.

32. *Returns and information to be provided to Central Government.*— Every Institute shall furnish to the Central Government such returns or other information with respect to its policies or activities as the Central Government may, for the purpose of reporting to the Parliament or for the making of policy, from time to time, require.

33. *Institute to be public authority under Right to Information Act.*— (1) The provisions of the Right to Information Act, 2005 shall apply to each Institute, including Institutes established in public-private partnership, as if it were a public authority established by notification issued or order made under clause (h) of section 2 of the Right to Information Act, 2005. 22 of 2005.

(2) A copy of every notification proposed to be issued or order to be made under the Act referred to in sub-section (1), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or order or both Houses agree in making any modification in the notification or order, the notification or order shall not be issued or made, as the case may be, shall be issued or made only in such modified form as may be agreed upon by both the Houses.

34. *Power of Central Government to make rules.*— (1) The Central Government may, by notification, make rules, for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such

rules may provide for all or any of the following matters, namely:—

(a) such other powers and duties of the Board under clause (w) of sub-section (2) of section 11;

(b) the term and conditions of service of the Director under sub-section (2) of section 16;

(c) the travelling and such other allowances payable to the members of the Co-ordination Forum for attending its meetings or its Committees under sub-section (4) of section 29;

(d) any other matter which is to be or may be, prescribed or in respect of which provision is to be made by the Central Government by rules.

35. *Power to make Regulations.*— (1) The Board may, by notification, make regulations not inconsistent with this Act and the rules made thereunder to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) tenure, remuneration and terms and conditions of employees of existing Institute under clause (d) of section 5;

(b) admission of candidates to the various courses of study under clause (b) of section 7;

(c) the manner of nominating the members from the faculty of respective Institutes under clause (e) of sub-section (2) of section 10;

(d) the conferment of honorary degrees under clause (g) of sub-section (2) of section 11;

(e) the number of posts, emoluments and the duties and conditions of service of the

academic, administrative, technical and other staff under clause (i) of sub-section (2) of section 11;

(f) determine performance objectives on the basis of which variable pay may be paid to the Director under clause (i) of sub-section (2) of section 11;

(g) to specify by regulations, the fees to be charged for course of study and examinations in the Institute under clause (m) of sub-section (2) of section 11;

(h) the manner of formation of Departments of teaching under clause (n) of sub-section (2) of section 11;

(i) the institution of fellowships, scholarships, exhibitions, medals and prizes under clause (o) of sub-section (2) of section 11;

(j) the qualifications, classification, terms of office and method of appointment of the academic, administrative, technical and other staff of the Institute under clause (p) of sub-section (2) of section 11;

(k) the constitution of pension, insurance and provident funds for the benefit of the academic, administrative, technical and other staff under clause (q) of sub-section (2) of section 11;

(l) the establishment and maintenance of buildings under clause (r) of sub-section (2) of section 11;

(m) the conditions of residence of students of the Institute and levying of fees for residence in the halls and hostels and of other charges under clause (s) of sub-section (2) of section 11;

(n) the manner of authentication of the orders and decisions of the Board under clause (t) of sub-section (2) of section 11;

(o) the meetings of the Board, the Academic Council or any Committee, the

quorum at such meetings and the procedure to be followed in the conduct of their business under clause (u) of sub-section (2) of section 11;

(p) the financial accountability of the Institute under clause (v) of sub-section (2) of section 11;

(q) delegate such powers and functions of the Board to the Director under sub-section (3) of section 11;

(r) the qualifications, experience and the manner of selection of the independent agency or group of experts under sub-section (5) of section 11;

(s) allowances of the members of the Board for attending meetings under sub-section (6) of section 12;

(t) such other powers and functions of the Academic Council under sub-section (2) of section 15;

(u) the powers and duties of the Director under sub-section (4) of section 16;

(v) constitution of such committees and other authorities of the Institute and their duties and functions under sub-section (1) of section 20;

(w) the manner of depositing or investing the moneys credited to the Fund of every Institute under sub-section (2) of section 21;

(x) the manner of application of the Fund of the Institute under sub-section (4) of section 21; and

(y) any other matter which is to be or may be, specified by regulations.

36. *Ordinances how made.*— (1) Save as otherwise provided in this section, Ordinance shall be made by the Academic Council.

(2) Subject to the provisions of this Act and the rules and regulations made thereunder,

the Ordinances of every Institute may provide for all or any of the following matters, namely:—

(a) the admission of students to the Institute;

(b) the courses of study to be laid down for all degrees and diplomas of the Institute;

(c) the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the Institute, and shall be eligible for degrees and diplomas;

(d) the conditions of award of the fellowships, scholarships, exhibitions, medals and prizes;

(e) the conditions and model of appointment and duties of examining bodies, examiners and moderators;

(f) the conduct of examinations;

(g) the maintenance of discipline among the students of the Institute; and

(h) any other matter which is to be or may be provided for by the Ordinances.

All Ordinances made by the Academic Council shall have effect from such date as it may direct, but every Ordinance so made shall be submitted, as soon as maybe, to the Board and shall be considered by the Board at its next meeting.

(4) The Board shall have power by resolution to modify or cancel any such Ordinance and such Ordinance shall from the date of such resolution stand modified accordingly or cancelled, as the case may be.

37. Rules and regulations to be laid before Parliament.— Every rule made by the Central Government and the first regulation made by the Board under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total

period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation shall not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

38. Power to remove difficulties.— (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of the period of three years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

39. Transitional provisions.— (1) Notwithstanding anything contained in this Act:—

(a) the Board of every Institute functioning as such immediately before the commencement of this Act, shall continue to so function until a new Board is constituted for that Institute under this Act, but on the constitution of a new Board under this Act, the members of the Board holding office before such constitution shall cease to hold office:

(b) every Academic Council or Faculty Council, as the case may be, constituted in relation to every Institute before the commencement of this Act shall be deemed

to be the Academic Council constituted under this Act until an Academic Council is constituted under this Act for that Institute, but on the constitution of the new Academic Council under this Act, the members of the Academic Council or Faculty Council, as the case may be, holding office before such constitution shall cease to hold office;

(c) until the first regulations are made under this Act, the rules, and bye-laws of each Institute as in force, immediately

before the commencement of this Act shall continue to apply to the Institute in so far as they are not inconsistent with the provisions of this Act.

(2) The Central Government may, without prejudice to the provisions of this Act, if it considers so necessary and expedient, by notification, take such measures, which may be necessary for the smooth transfer of the existing Institute to the corresponding Institute.

THE SCHEDULE

[See section 4(1)]

Sl. No.	Name of the State	Name of the existing Institute	Location	Name of Institute incorporated under this Act
(1)	(2)	(3)	(4)	(5)
1.	West Bengal	Indian Institute of Management, Calcutta, a Society registered under the Societies Registration Act, 1860 (21 of 1860)	Kolkata	Indian Institute of Management, Calcutta
2.	Gujarat	Indian Institute of Management Ahmedabad, a Society registered under the Societies Registration Act, 1860 (21 of 1860)	Ahmedabad	Indian Institute of Management, Ahmedabad
3.	Karnataka	Indian Institute of Management Bangalore, a Society registered under the Mysore Societies' Registration Act, 1960 (17 of 1960)	Bengaluru	Indian Institute of Management, Bangalore.
4.	Uttar Pradesh	Indian Institute of Management Lucknow, a Society registered under the Societies Registration Act, 1860 (21 of 1860)	Lucknow	Indian Institute of Management, Lucknow.
5.	Madhya Pradesh	Indian Institute of Management Indore, a Society registered under the Madhya Pradesh Societies Registration Act, 1973 (44 of 1973)	Indore	Indian Institute of Management, Indore.
6.	Kerala	Indian Institute of Management Kozhikode, a Society registered under the Societies Registration Act, 1860 (21 of 1860)	Kozhikode	Indian Institute of Management, Kozhikode
7.	Meghalaya	Rajiv Gandhi Indian Institute of Management Shillong, a Society registered under the Societies Registration Act, 1860 (21 of 1860)	Shillong	Indian Institute of Management, Shillong.
8.	Haryana	Indian Institute of Management Rohtak, a Society registered under the Societies Registration Act, 1860 (21 of 1860)	Rohtak	Indian Institute of Management, Rohtak .
9.	Jharkhand	Indian Institute of Management Ranchi, a Society registered under the Societies Registration Act, 1860 (21 of 1860)	Ranchi	Indian Institute of Management, Ranchi.

(1)	(2)	(3)	(4)	(5)
10.	Chhattisgarh	Indian Institute of Management Raipur, a Society registered under the Societies Registration Act, 1860 (21 of 1860)	Raipur	Indian Institute of Management, Raipur.
11.	Tamil Nadu	Indian Institute of Management Tiruchirappalli, a Society registered under the Tamil Nadu Societies Registration Act, 1975.	Tiruchirappalli	Indian Institute of Management, Tiruchirappalli.
12.	Uttarakhand	Indian Institute of Management, Kashipur, a Society registered under the Societies Registration Act, 1860 (21 of 1860)	Kashipur	Indian Institute of Management, Kashipur.
13.	Rajasthan	Indian Institute of Management Udaipur, a Society registered under the Societies Registration Act, 1860 (21 of 1860).	Udaipur	Indian Institute of Management, Udaipur.
14.	Punjab	Indian Institute of Management Amritsar, a Society registered under the Societies Registration Act, 1860 (21 of 1860)	Amritsar	Indian Institute of Management, Amritsar.
15.	Himachal Pradesh H. P.	Indian Institute of Management Sirmaur, a Society registered under the Societies Registration Act, 1860 (21 of 1860)	Sirmaur	Indian Institute of Management, Sirmaur.
16.	Odisha	Indian Institute of Management, Sambalpur, a Society registered under the Societies Registration Act, 1860 (21 of 1860)	Sambalpur	Indian Institute of Management, Sambalpur.
17.	Andhra Pradesh	Indian Institute of Management, Visakhapatnam, a Society registered under the Societies Registration Act, 1860 (21 of 1860).	Visakhapatnam	Indian Institute of Management, Visakhapatnam.
18.	Maharashtra	Indian Institute of Management, Nagpur, a Society Registered under the Societies Registration Act, 1860 (21 of 1860)	Nagpur	Indian Institute of Management, Nagpur.
19.	Bihar	Indian Institute of Management, Bodh Gaya, a Society registered under the Societies Registration Act, 1860 (27 of 1860)	Bodhgaya	Indian Institute of Management, Bodhgaya.
20.	Jammu and Kashmir	Indian Institute of Management, Jammu, a Society registered under the Jammu and Kashmir Societies Registration Act, of 1998 (VI of 1998)	Jammu	Indian Institute of Management, Jammu.



Department of Mines
Directorate of Mines & Geology

Notification

DMG/MMDR/DMF/01/2015/7633

In exercise of the powers conferred by section 15 read with sub-sections (2) and (3) of section 9B of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957) and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules, namely:—

CHAPTER I

1. *Short title and commencement.*— (i) These rules may be called the Goa District Mineral Foundation (Trust) Rules, 2018.

(ii) They shall be deemed to have come into force with immediate effect.

2. *Definitions.*— (i) In these rules, unless the context otherwise requires,—

(a) “Act” means the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957);

(b) “Affected areas” means the areas which are affected by mining or mining related operations as identified by the district. This will include directly affected areas and indirectly affected areas.

(c) “Affected persons” means the persons residing in affected areas;

(d) “Auditor” means the auditor or Chartered Accountant appointed by the Governing Council and includes the Accountant General of the State or other Auditors nominated by the State Government.

(e) “District Mineral Foundation” means a trust as established as a non-profit body, through a notification by the State Government in terms of sub-section (1) of section 9B of the Act;

(f) “Governing Council” means the Governing Council of the Foundation consisting of all the trustees of the District Mineral Foundation;

(g) “Financial year” means a year commencing from the 1st day of April;

(h) “Government” means the Government of Goa.

(i) “Managing Committee” means the Committee formed by the State Government for the purpose of day to day management of the affairs of the Foundation.

(j) Words and expressions used in these rules, but not defined, shall have the same

meaning as respectively assigned to them in the Act.

(k) “Trust” means the District Mineral Foundation Trust established by the State Government under sub-section (1) of Section 9B of the Act.

CHAPTER II

3. *Objective of District Mineral Foundation (Trust).*— (a) The objective of the District Mineral Foundation Trust is to work for the interests, benefits and sustainable development of persons and areas affected by mining or mining related operations in the district;

(b) To utilize the funds accumulated in the District Mineral Foundation Trust in an effective, transparent and accountable manner and at the same time ensuring the benefit of the funds are enjoyed not only by the present generation but the future generation to come.

4. *Composition of District Mineral Foundation.*— (a) Every District Mineral Foundation (Trust) as established under sub-section (1) of section 9B of the Act and as guided by provisions of sub-section (2), (3) and (4) of section 9B shall consist of a Governing Council and Managing Committee.

(b) The Office of the District Mineral Foundation shall be situated at the Directorate of Mines and Geology, Government of Goa, Ground Floor, Menezes Braganza Building, Panaji, Goa or at the District Head Quarters or as may be determined by the Governing Council.

(c) All District Mineral Foundation Trusts may also set up an office at the district level for the purposes of coordination, planning monitoring accounting and public disclosure of information. The Governing Council shall ratify the appointment of staff members of District Mineral Foundation office with prior approval from the State Government.

(d) The Governing Council shall consist of the following members:—

Sr. No.	Name and Designation	Designation in the Governing Council
1.	Collector/District Magistrate	Chairperson/Trustee
2.	Representatives of the Member of Legislative Assembly from the District preferably among the directly affected areas shall be recommended by Mines Minister not exceeding three	Member/Trustee
3.	Deputy Director of Mines	Member Secretary/Trustee
4.	The Executive/Assistant Engineer, Public Works Department	Ex Officio Member/Trustee
5.	The Deputy Director, Directorate of Health	Ex Officio Member/Trustee
6.	The Deputy Director, Directorate of Education or any Officer not below the rank of Assistant Director/Deputy Director nominated by the Department.	Ex Officio Member/Trustee
7.	The Assistant Director, Directorate of Social Welfare or any Officer not below the rank of Assistant Director/Deputy Director nominated by the Department.	Ex Officio Member/Trustee
8.	The Deputy Director, Directorate of Women & Child Development or any Officer not below the rank of Assistant Director/Deputy Director nominated by the Department.	Ex Officio Member/Trustee
9.	The Deputy Director, Directorate of Agriculture	Ex Officio Member/Trustee
10.	The Executive/Assistant Engineer, Water Resources	Ex Officio Member/Trustee
11.	The Executive/Assistant Engineer, Department of Electricity	Ex Officio Member/Trustee
12.	The Representative of Finance Department (Budget), not below the rank of Under Secretary.	Ex Officio Member/Trustee
13.	The Director/Deputy Director, Directorate of Panchayats	Member/Trustee
14.	Representatives of the Mineral Foundation of Goa (or any other Non-Government Organizations/Civil Society which have worked at the ground level in mines affected areas for providing relief including undertaking activities under Corporate Social Responsibility) to be nominated by the State Government not exceeding two.	Member/Trustee
15.	Two Representatives shall be recommended by Mines Minister and to be finally nominated by the State Government amongst the mineral concession holder/industry representative/Goa Mineral Ore Exporters Association	Member/Trustee Member/Trustee
16.	Any other Officials/person nominated by the State Government	Member/Trustee

5. *Appointment of the Trustees.*— (a) The trustees appointed by official designation shall continue as trustees during the period which they are holding the post and would be deemed to have ceased to be the trustees once they cease to hold the office by virtue of which they were appointed and their successors in office shall be deemed to have been appointed as trustees in their place with effect from the date of acquiring such post.

(b) The term of appointment for the nominated trustees shall be for three years with effect from the date of their nomination as trustees and the Government may thereafter renew their appointment for another term or may appoint other persons in their place:

Provided that the term of such nominated trustees shall in no case exceed two terms of three years each.

(c) The Government may at any time increase the number of trustees in any of the categories and for such terms as it may deem fit.

(d) The Government may at any time remove any of the trustees and may appoint any other person as the nominated trustee at its sole discretion. The trustee so removed by the Government shall cease to be a trustee with effect from the date of such removal.

6. *Management of Trust.*— The Management of the Trust shall vest in the Governing Council which shall consist of Ex officio and nominated trustees. The day to day management will be by the Managing Committee as defined under Rule 9.

7. *Powers and functions of Governing Council.*— The Governing Council, consisting of all the members shall be responsible for—

(a) Laying down the broad policy framework and approving the procedure for functioning of the trust and review the working of the trust from time to time;

(b) Approving Perspective Plan, Annual Action Plan and the Annual Budget for the Trust which is put up for approval by the Managing Committee. The Perspective Plan and Annual Action plan shall be prepared by the Managing Committee and approved by the Governing Council at least one month before commencement of the year;

(c) The Annual Action Plan shall contain the list of schemes and projects with the tentative provisions thereof: Provided that, while preparing the annual Plan for the next financial year, the sum total of the past commitments and liabilities spilling over shall be assessed to maintain financial discipline and timely completion of the projects. The subtotal of the past liabilities and commitments and the new schemes being proposed shall not in any case exceed two times the expected inflow in the funds for the next financial year;

(d) Approving expenditure, in furtherance of the objects of the Foundation from the available fund in such manner provided by the State Government;

(e) Approving the recommendations of the Managing Committee;

(f) Approving the Annual Reports and Audited Accounts of the foundation within a period of sixty days of the closure of the previous year;

(g) Ratifying the appointments of the Officers on deputation, contract or outsourcing basis as decided by the State Government to run the Foundation.

(h) Constituting sub-committees for assisting in preparation of Annual Plans of the trust and for smooth functioning of the trust;

(i) Undertaking any such other activities in furtherance of the objectives of the Foundation.

8. *Meetings of Governing Council.*— (a) The Governing Council shall meet as often as necessary but at least once in every quarter.

(b) The meeting of Governing Council shall be convened as desired by the Chairperson by giving two weeks notice to the Members of the Governing council.

(c) The quorum for such meeting shall be one-third of the total members of the Governing Council. If quorum for meeting is not fulfilled then meeting shall be postponed for half an hour and shall be reconvened at the same place on the same day for which condition of quorum shall not be applicable.

CHAPTER III

9. *Managing Committee.*— (a) The day to day affairs of the trust shall be managed by the Managing Committee.

(b) The Managing Committee shall consist of all Ex Officio Members of the Trust and any other nominated members who shall be nominated by the Government.

(c) Only ex officio Members shall have right to vote.

(d) Nominated Members shall not have any voting rights.

(e) The Chairperson of the Managing Committee shall be the respective District Collectors.

10. *Powers and functions of Managing Committee.*— The following are the powers and functions of the Managing Committee namely:—

(a) To exercise due diligence in carrying out its duties for protecting the interests of the foundation.

(b) To ensure timely collection of contribution from the concerned lease holders in accordance with the provisions of the Act and in the manner provided by the State Government.

(c) To receive proposals or projects from the Village Panchayats, Zilla Parishads and the Urban Local Bodies in the District, Government Departments, Boards, Corporations and State or Central Public Sector Undertakings or individual proposals routed through any of these agencies.

(d) To co-ordinate, consolidate and develop the Perspective and Annual Plans of the Trust and Annual Budget of the Trust along with the proposed schemes and projects;

(e) To supervise and ensure the execution of the Annual Plan and the approved schemes and projects;

(f) To accord sanction and issue sanction orders to the projects release and disburse the fund for that purpose;

(g) To operate the trust fund and to invest the same in a diligent manner in fixed deposits/Government Banks/Banks Bond and to open Bank Accounts in Scheduled, Commercial or Nationalized Banks approved by the Reserve Bank of India in the Name of the Foundation and to operate such accounts and investments;

(h) To monitor the progress of the utilization of funds;

(i) To place the audited accounts along with an Annual Report before the Governing council for its approval within a period of sixty days of the closure of the financial year;

(j) To lay down and approve procedures for the functioning of the Foundation;

(k) To appoint employees and auditors as per the directions of the State Government. However these appointments shall require ratification by the Governing Council;

(l) To prepare and maintain a website on which inter-alia the following information shall be hosted and kept updated—

(a) Details of composition of the foundation and bodies of the foundation.

(b) List of areas and people affected by mining;

(c) Quarterly details of all contributions received from lessees and others;

(d) All meeting agenda minutes and action taken reports of the Foundation;

(e) Annual Plans, budget, work orders and Annual Report;

(f) Online status of ongoing works, implementation status or progress of all the projects or programmes being undertaken shall be made available on the website, including description of work details of the beneficiaries, estimated cost, name of the implementing agencies, expected date of commencement and completion of work, financial and physical progress up to the last quarter etc.;

(g) List of beneficiaries under various welfare programmes;

(h) Voluntary disclosures under Right to Information Act, 2005 (22 of 2005); and

(i) To do all other things that are necessary for the smooth functioning and management of the Trust.

11. *Meetings of Managing Committee.*— (a) The meeting of the Managing Committee shall be held at least four times in a financial year and it shall be convened as decided by the Chairperson.

(b) The quorum for such meeting shall be one-third of the total members of the Managing Committee. If quorum for meeting is not fulfilled, then meeting shall be postponed for half an hour and shall be convened at the same place on the same day for which condition of quorum shall not be applicable.

(c) Meeting of the Managing Committee shall be presided over by the Chairman, in his absence the *ex officio* Members may elect officiating Chairman from amongst themselves for that meeting.

12. *Trust Fund.*— (a) The initial settlement of Rs. 1,000/- (Rupees one thousand only) made by the Government.

(b) Any grant, contribution or other money received from the Government or from any other agency, institution or person;

(c) Every mineral concession holder shall pay the contribution fund in respect of any mineral removed by him from and/or consumed within the areas allotted/permitted to him as follow:

(d) In case of major minerals, as prescribed in the Mines and Minerals (Contribution to District Mineral Foundation) Rules, 2015 as amended from time to time.

CHAPTER IV

13. *Scope of the District Mineral Foundation Trust.*— The District Mineral Foundation Trust shall work for the interest and benefits of person, and areas affected by the mining related operations and in particular shall focus on the following areas, as per priorities determined in the Perspective and annual District Mineral Foundation plans.

(1) High priority areas.— (a) *Drinking water supply*— Centralized purification systems, water treatment plants,

permanent/temporary water distribution network including standalone facilities for drinking water, laying of piped water supply system.

(b) Environment preservation and pollution control measures—Effluent treatment plants, prevention of pollution of streams, lakes, ponds, ground water, other water sources in the region, measure for controlling air and dust pollution caused by mining operations and dumps, mine drainage system, mine pollution prevention technologies, and measures for working or abandoned mines and other air, water & surface pollution control mechanisms required for environment-friendly and sustainable mine development.

However activities meant to be taken up under the “polluter pays principle” or as per the obligations of the industries under the environment management plan or mines management plan should not be taken up under District Mineral Foundation Trusts.

(c) *Health care*— The focus must be on creation of primary/secondary health care facilities in the affected areas. The emphasis should not be only on the creation of the health care infrastructure, but also on provision of necessary staffing, equipment and supplies required for making such facilities effective. To that extent, the effort should be to supplement and work in convergence with the existing health care infrastructure of the local bodies, State and Central Government. The expertise available with the National Institute of Miners’ Health may also be drawn upon to design special infrastructure needed to take care of mining related illnesses and diseases. Group Insurance Scheme for health care may be implemented for mining affected persons.

(d) *Education*— The focus must be on augmentation and development of resources and infrastructure for improving both secondary and elementary education. This may include construction of school

buildings, Additional class rooms, Laboratories, Libraries, Art and crafts room, Toilet blocks, Drinking water provisions, Residential Hostels for students/teachers in remote areas, sports infrastructure, engagement of teachers/other supporting staff, e-learning setup, other arrangement of transport facilities (bus/van/cycles/rickshaws/etc.) and nutrition related programmes.

(e) *Welfare of Women and Children*— Special programmes for addressing problems of maternal and child health, malnutrition, infectious diseases, etc. can be taken up under the PMKKKY.

(f) *Welfare of aged and disabled people*— Special programmes for welfare of aged and disabled people.

(g) *Livelihood & Skill development*— Skill development for livelihood support, income generation and economic activities for local eligible persons particularly around local resources such as agri-based, forest resources, horticulture etc. The projects/schemes may include training, development of skill development centers, self-employment schemes, support to vulnerable sections such as women/women groups/tribal groups, support to self help groups, placement oriented training to youth and provision of forward and backward linkages for such self-employment economic activities.

(h) *Sanitation*— Collection, transportation & disposal of waste, cleaning of public places, provision of proper drainage & Sewage Treatment Plant, provision for disposal of fecal sludge, provision of toilets and other related activities.

(2) *Other priority Areas*.— (a) *Physical infrastructure* — Providing required physical infrastructure — road, bridges, railways and waterways projects with priority in directly affected areas.

(b) *Irrigation*— Developing alternate sources of irrigation, adoption of suitable and advanced irrigation techniques.

(c) *Energy and Watershed Development*— Development of alternate source of energy (including micro-hydel) and rainwater harvesting systems, augmentation of integrated watershed management practices, development of orchards, integrated farming and economic forestry and restoration of catchments.

(d) Any other measures for enhancing environmental quality in mining district.

In addition to the above, the scope will include implementing the objectives specified in Pradhan Mantri Khanij Kshetra Kalyan Yojana which are not specifically enlisted herein;

CHAPTER V

14. *Utilization of Funds by District Mineral Foundation Trust*.— (a) Fifty percent of the amount received in terms of sub-sections (5) and (6) of section 9B during the financial year of the Act shall be invested by the District Mineral Foundation in fixed deposits or Government bonds/bank bonds. The interest earned on such investment to the extent of 90% may be utilized for carrying out the works specified in rule 13 and 10% of such interest shall be re-invested in long term investment so that the corpus of such fund remains permanently enhanced surpassing the period of exploitation of mineral ore and such fund shall be used in posterity for the benefit of generations to come thereby protecting the rights of the future generations and creating the inter generational equity.

(b) The remaining fifty percent of such amount shall also be utilized for carrying the works specified in rule 13, provided that 60% of such amount shall invariably be utilized for High Priority Areas with emphasis on infrastructural and other projects of permanent nature so that the benefits of such projects are enjoyed not only by the present generation but also by the generations to come.

(c) An amount not exceeding 2.5% of the annual receipts of the Foundation subject to an upper limit fixed by State Government may be utilized for administrative, supervisory and overhead costs of the Foundation.

CHAPTER VI

15. *Implementation of projects.*— (a) The District Mineral Foundation Trust may implement the projects consistent with its functions on its own accord or upon receipt of a project proposal from the Government or upon request from any Government Department.

(b) In implementation of the projects referred to in sub-rule (a), the District Mineral Foundation may devise its own procedure consistent with the provisions of the Act and the rules made there under.

(c) The projects shall be executed through Public Works Department, Water Resources Department, Forest Department, River and Navigation Department, Agriculture Department, Department of Animal Husbandry and Veterinary Services, Goa State Infrastructure and Development Corporation or any other Departments of the Government of Goa, as per the directions and decision of the District Mineral Foundation Trust.

(d) The District Mineral Foundation Trust shall periodically monitor implementation of the projects either by itself or by engaging services of any Government Department or an approved agency.

CHAPTER VII

16. *Annual Plan.*— The Managing Committee shall, at the beginning of each financial year, cause preparation of plans for short term projects and long term projects proposed to be undertaken by the District Mineral Foundation Trust in the relevant financial year, to be referred as the annual plan, together with details of the activities to be undertaken or completed by the District Mineral Foundation Trust during such time, the expected time for completion of the projects and cost for such projects.

The annual plan shall contain all the projects, programmes; activities proposed to be undertaken by the District Mineral Foundation Trust and shall have clearly demarcated milestones.

17. *Annual Budget.*— The Managing Committee shall, at the beginning of each financial year, cause preparation of an annual budget containing the details of the proposed income and expenditure on activities covered in the annual plan for that particular financial year, including the legal, administrative and other costs and expenditure proposed to be incurred by the District Mineral Foundation Trust together with details of the funding requirements in this regard, to be referred as the annual budget.

18. *Approval of the Annual Plan and the Annual Budget.*— (a) The annual plan and the annual budget shall be laid before the District Mineral Foundation Trust for its approval.

(b) Without prejudice to the above provisions, the District Mineral Foundation Trust may undertake expenditures for activities that are not approved in the annual plan subject to specific approval by the Governing Council.

(c) The annual plan and related annual budget may be amended at any time subject to the approval of the Governing Council.

19. *Annual Report.*— (a) The Managing Committee shall, within ninety days of the end of each financial year, submit an annual report containing such information as deemed appropriate by the District Mineral Foundation Trust.

(b) The annual report shall be approved by the District Mineral Foundation Trust and shall contain details, inter alia, of the activities completed by the District Mineral Foundation Trust during the financial year and the expenditure incurred by the District Mineral Foundation Trust during such financial year.

(c) A copy of the annual report shall be sent to the Government within a period of thirty days from the date of its approval by the District Mineral Foundation Trust.

20. *Charging of Expenses.*— The Trustees shall be entitled to charge the Trust fund with the following expenses, namely:

(a) All expenses properly incurred in the operation or execution of the Trust and for the realization, preservation or benefit of the investments and assets comprising the Trust fund and for the protection of the interest of the Trust.

(b) All expenses (including expenses incidental to execution as and or registration of any agreement or other deeds) incurred by the Trustees for obtaining the contributions and or any other resources which may accrue.

(c) All expenses in connection with any legal proceedings by or against the Trustee concerning the affairs of the Trust including professional fees and costs of any legal advisor.

(d) All legal and statutory expenses incurred in the operation or execution of the Trust including all levies, duties and other charges paid/payable in connection with the affairs of the Trust.

(e) All expenses in connection with the holding of its meeting and other proceedings as per the norms of the State Government.

21. *Financial Year.*— (a) The accounting or financial year of the District Mineral Foundation Trust shall be from 1st April to the 31st of March.

(b) The first year of operations of the District Mineral Foundation Trust may be a partial year.

22. *Accounts and Audit.*— (a) The Managing Committee shall maintain or cause to be maintained proper books of accounts, documents and records with respect to the Foundation fund to give a true and fair picture of the affairs of the Foundation.

(b) The accounts of the Trust shall be audited at least once on completion of a year by a qualified Auditor.

(c) All District Mineral Foundation Trusts should undertake both financial and performance audits to ensure optimal fiscal discipline and transparency of operation.

(d) The Auditors of the Foundation shall be appointed by the Governing Council from the list of Chartered Accountants empanelled by the Comptroller and Auditor General of India on such terms and conditions as decided by the Governing Council.

(e) The Auditors may be removed and replaced by the Governing Council.

(f) The State Government may appoint an auditor or auditors or may request the Accountant General of the State for audit of a particular year or period on such terms as the State Government may so decide.

23. *Liability of Trustees.*— (a) The Trustees shall not be liable on account of anything done in good faith, bonafide with due diligence. The Trustees shall also not be liable or responsible for any banker, broker, custodian or other person in whose hands the same may, in good faith, be deposited or placed nor for deficiency or insufficiency in the value of any investments of the Trust fund nor otherwise for any involuntary loss.

(b) The Trustees and every attorney or, agent appointed by the Trustees shall be entitled to be indemnified out of the Trust fund in respect of all liabilities losses and expenses incurred in execution of the Trust or any of the powers, authorities and discretion vested in or delegated to them other than those arising out of gross negligence and or wilful misconduct, provided however that such indemnity shall not in any event exceed the total of the contribution.

24. *Remuneration.*— The Trustees shall not be entitled to any remuneration for their services.

25. *Repeal and Savings.*— (a) The District Mineral Foundation Rules, 2015 are hereby repealed.

(b) Notwithstanding such repeal, anything done or any action taken or orders passed under the said rules shall be deemed to have been done or any taken or passed under the section 15 read with sub-sections (2) and (3) of section 9B of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957) and all other powers

enabling it in this behalf shall be deemed to have been done, taken or passed under these rules.

By order and in the name of the
Governor of Goa.

Prasanna A. Acharya, Director & Additional
Secretary (Mines).

Panaji, 8th January, 2019.



Department of Transport

Directorate of Transport



Notification

D.Tpt/Est/2375/2019/109

In exercise of the powers conferred by clause (i) of sub-section (1) of section 67 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), and all other powers enabling it in this behalf and in supersession of the Government Notification No. D.Tpt/EST/922/Vol-II/2013/1306 dated 28th March, 2013, published in the Official Gazette, Extraordinary, Series I No. 52 dated 28th March, 2013, the Government of Goa hereby directs the State Transport Authority and the Regional Transport Authorities of the State of Goa, that the maximum fares chargeable by the operators of Stage Carriages/City Buses plying in the State of Goa shall be as follows, namely:—

Stage Carriages and City Buses:

- | | |
|---|----------|
| (i) 0–4 kms.: | Rs. 10/- |
| (ii) For every next 8 kms. or part thereof: | Rs. 5/- |

Provided that the fares for Kadamba Transport Corporation Ltd., Stage Carriages plying point to point with no standing passengers (Shuttle Services) to be charged 1.20 paise per km. and Air conditioned service to be charged Rs. 1.25 per km.:

Provided further that for the bonafide students of this State, the bus fare would be at the concessional rate i.e. 50% of the rates mentioned above.

Explanation.— “bonafied student” means a person, who is pursuing a course of studies as a full time student in any recognised educational institution in the State of Goa and possesses, at the time of journey, a valid identity card issued under the signature of the Head of such institution but does not include a person who is pursuing higher education while gainfully employed.

This notification shall come into force on the 11 day of January, 2019.

By order and in the name of the Governor
of Goa.

Nikhil Desai, Director & ex officio Addl.
Secretary (Transport).

Panaji, 8th January, 2019.



Department of Women & Child Development

Directorate of Women & Child Development



Notification

1-981-Writ Pet (C) 565 of 2012–DWCD-2018-Part I

Sub.:- The Goa Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes, 2018.

The Government of Goa in exercise of its Executive Powers is pleased to frame the following Scheme as per the directions of the Hon'ble Supreme Court of India in W.P. (C) No. 565/2012 titled Nipun Saxena Vs. Union of India for providing funds for the purpose of compensation to the women victims or her dependents who have suffered loss, injury, as the case may be, as a result of the offence committed and who require rehabilitation namely—

1. *Short title and commencement.*— (1) This Scheme may be called “The Goa Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes Scheme, 2018.

(2) It shall come into force with effect from date of notification.

(3) It shall apply to the victims and their dependent(s) who have suffered loss, injury, as the case may be, as a result of the offence committed and who require rehabilitation.

2. *Definitions.*— (1) In this Scheme, unless the context otherwise requires—

(a) “Code” means the Code of Criminal Procedure, 1973 (2 of 1974);

(b) ‘Dependent’ includes husband, father, mother, grandparents, unmarried daughter and children of the victim as determined by the State Legal Services Authority or District Legal Services Authority on the basis of the report of the Sub-Divisional Magistrate of the concerned area/Station House Officer/Investigating Officer or on the basis of material placed on record by the dependents by way of affidavit or on its own enquiry.

(c) “District Legal Services Authority” means the District Legal Services Authority (DLSA) constituted under section 9 of the Legal Services Authorities Act, 1987 (Act 39 of 1987) for a District of the State of Goa.

(d) ‘Form’ means form appended to the Scheme as applicable to this Chapter.

(e) ‘Fund’ means State fund i.e. victim compensation fund constituted under the State Victim Compensation Scheme.

(f) ‘Central Fund’ means funds received from CVCF Scheme, 2015.

(g) ‘Women Victim Compensation Fund’ — means a fund segregated for disbursement for women victim, out of State Victim Compensation Fund and Central Fund.

[Within the State Victim Compensation Fund, a separate Bank Account shall be maintained as a portion of that larger fund

which shall contain the funds contributed under CVCF Scheme by MHA, GOI contributed from Nirbhaya Fund apart from funds received from the State Victim Compensation Fund which shall be utilised only for victims covered under this Chapter].

(h) ‘Government’ means ‘Government of Goa’ wherever the State Victim Compensation Scheme or the State Victim Compensation Fund is in context and ‘Central Government’ wherever Central Government Victim Compensation Fund Scheme is in context.

(i) ‘Injury’ means any harm caused to body or mind of a female.

(j) ‘Minor’ means a girl child who has not completed the age of 18 years.

(k) ‘Offence’ means offence committed against women punishable under IPC or any other law.

(l) ‘Penal Code’ means Indian Penal Code, 1860 (45 of 1860);

(m) ‘Schedule’ means schedule applicable to this Chapter/Part of the scheme.

(n) “State Legal Services Authority” means the State Legal Services Authority (SLSA), as defined in section 6 of the Legal Services Authorities Act, 1987 (39 of 1987).

(o) “Sexual Assault Victims” means female who has suffered mental or physical injury or both as a result of sexual offence including Sections 376 (A) to (E), section 354 (A) to (D), Section 509 IPC.

(p) ‘Woman Victim/survivor of other crime’ means a woman who has suffered physical or mental injury as a result of any offence mentioned in the attached Schedule including sections 304 B, section 326A, section 498A IPC (in case of physical injury of the nature specified in the schedule) including the attempts and abetment.

(q) ‘State’ means the State of Goa.

(2) Words and expressions used in this Chapter and not defined here, shall have the same meaning as assigned to them in the Code of Criminal Procedure, 1973 or/and the Indian Penal Code, 1860.

3. *Women Victim Compensation Fund.*— (1) There shall be a Fund, namely, the Women Victims Compensation Fund from which the amount of compensation, as decided by the State Legal Services Authority or District Legal Services Authority, shall be paid to the women victim or her dependent(s) who have suffered loss or injury as a result of an offence and who require rehabilitation.

(2) The 'Women Victims Compensation Fund' shall comprise the following:—

(a) Contribution received from CVCF Scheme, 2015.

(b) Budgetary allocation in the shape of grants-in-aid to SLSA for which necessary provision shall be made in the Annual Budget by the Government;

(c) Any cost amount ordered by Civil/Criminal Tribunal to be deposited in this Fund.

(d) Amount of compensation recovered from the wrong doer/accused under clause 14 of the Scheme;

(e) Donations/contributions from International/National/Philanthropist/Charitable Institutions/Organizations and individuals permitted by State or Central Government.

(f) Contributions from companies under CSR (Corporate Social Responsibility).

(3) The said Fund shall be operated by the Secretary of the State Legal Services Authority (SLSA) for the State of Goa.

4. *Eligibility for Compensation.*— A woman victim or her dependent (s) as the case may be, shall be eligible for grant of compensation

from multiple schemes applicable to her. However, the compensation received by her in the other schemes with regard to section 357-B Cr.P.C., shall be taken into account while deciding the quantum in the such subsequent application.

5. *Procedure for making application before the State or District Legal Service Authority.*— Mandatory Reporting of FIRs:— SHO/SP/DCP shall mandatorily share soft/hard copy of FIR immediately after its registration with State Legal Services Authority/District Legal Services Authority qua commission of offences covered in this Scheme which include Sections 326A, 354A to 354D, 376A to 376E, 304B, 498A (in case of physical injury covered in this Schedule), so that the SLSA/DLSA can, in deserving cases, may *suo-moto* initiate preliminary verification of facts for the purpose of grant of interim compensation. An application for the award of interim/final compensation can be filed by the Victim and/or her Dependents or the SHO of the area before concerned SLSA or DLSA. It shall be submitted in Form 'I' along with a copy of the First Information Report (FIR) or criminal complaint of which cognizance is taken by the Court and if available Medical Report, Death Certificate, wherever applicable, copy of judgment/recommendation of court if the trial is over.

6. *Place of filing of Application.*— The application/recommendation for compensation can be moved either before the State Legal Services Authority or the concerned District Legal Services Authority or it can be filed online on a portal which shall be created by all State Legal Services Authorities. The Secretary of the respective SLSA/DLSA shall decide the application/recommendation moved before him/her as per the Scheme.

Explanation: In case of acid attack victim the deciding authority shall be Criminal Injury Compensation Board as directed by Hon'ble Supreme Court in Laxmi vs. Union of India W.P.CRMIL 129/2006 order dated 10-04-2015 which includes Ld. District & Sessions Judge, DM, SP, Civil Surgeon/CMO of the district.

7. *Reliefs that may be awarded by the State or District Legal Services Authority.*— The SLSA or DLSA may award compensation to the victim or her dependents to the extent as specified in the scheduled attached hereto.

8. *Factors to be considered while awarding Compensation.*— While deciding a matter, the State Legal Services Authority/District Legal Services Authority may take into consideration the following factors relating to the loss or injury suffered by the victim:

(1) Gravity of the offence and severity of mental or physical harm or injury suffered by the victim;

(2) Expenditure incurred or likely to be incurred on the medical treatment for physical and/or mental health including counseling of the victim, funeral, travelling during investigation/inquiry/trial (other than diet money);

(3) Loss of educational opportunity as a consequence of the offence, including absence from school/college due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;

(4) Loss of employment as a result of the offence, including absence from place of employment due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;

(5) The relationship of the victim to the offender, if any;

(6) Whether the abuse was a single isolated incidence or whether the abuse took place over a period of time;

(7) Whether victim became pregnant as a result of the offence, whether she had to undergo Medical Termination of Pregnancy (MTP)/give birth to a child, including rehabilitation needs of such child;

(8) Whether the victim contracted a sexually transmitted disease (STD) as a result of the offence;

(9) Whether the victim contracted human immunodeficiency virus (HIV) as a result of the offence;

(10) Any disability suffered by the victim as a result of the offence;

(11) Financial condition of the victim against whom the offence has been committed so as to determine her need for rehabilitation and re-integration needs of the victim.

(12) In case of death, the age of deceased, her monthly income, number of dependents, life expectancy, future promotional/growth prospects etc.

(13) Or any other factor which the SLSA/DLSA may consider just and sufficient.

9. *Procedure for grant of Compensation.*— (1) Wherever, a recommendation is made by the court for compensation under sub-sections (2) and/or (3) of section 357A of the Code, or an application is made by any victim or her dependent(s), under sub-section (4) of section 357A of the Code, to the State Legal Services Authority or District Legal Services Authority, for interim compensation it shall prima-facie satisfy itself qua compensation needs and identity of the victim. As regards the final compensation, it shall examine the case and verify the contents of the claim with respect to the loss/injury and rehabilitation needs as a result of the crime and may also call for any other relevant information necessary for deciding the claim.

Provided that in deserving cases and in all acid attack cases, at any time after commission of the offence, Secretary, SLSA or Secretary, DLSA may *suo moto* or after preliminary verification of the facts proceed to grant interim relief as may be required in the circumstances of each case.

(2) The inquiry as contemplated under sub-section (5) of Section 357A of the Code, shall be completed expeditiously and the period in no case shall exceed beyond sixty days from the receipt of the claim/petition or recommendation:

Provided that in cases of acid attack an amount of Rs. One lakh shall be paid to the victim within 15 days of the matter being brought to the notice of DLSA. The order granting interim compensation shall be passed by DLSA within 7 days of the matter being brought to its notice and the SLSA shall pay the compensation within 8 days of passing of the order.

Thereafter, an amount of Rs. 2 lakhs shall be paid to the victim as expeditiously as possible and positively within two months of the first payment*.

Provided further that the victim may also be paid such further amount as is admissible under this Scheme.

(3) After consideration of the matter, the SLSA or DLSA, as the case may be, upon its satisfaction, shall decide the quantum of compensation to be awarded to the victim or her dependent(s) taking into account the factors enumerated in Clause 8 of the Scheme, as per schedule appended to this chapter. However, in deserving cases, for reasons to be recorded, the upper limit may be exceeded.

Moreover, in case the victim is minor, the limit of compensation shall be deemed to be 50% higher than the amount mentioned in the Schedule appended to this chapter.

[* Victims of Acid attack are also entitled to additional compensation of Rs. 1 lac under Prime Minister's National Relief Fund vide memorandum No. 24013/94/Misc./2014-CSR-III/GoI/MHA dated 09-11-2016].

[Victims of Acid Attack are also entitled to additional special financial assistance up to Rs. 5 lacs who need treatment expenses over and above the compensation paid by the respective State/UTs in terms of Central Victim Compensation Fund Guidelines-2016, No. 24013/94/Misc/2014-CSR.III, MHA/GoI].

(4) The SLSA/DLSA may call from any record or take assistance from any Authority/

/Establishment/Individual/Police/Court concerned or expert for smooth implementation of the Scheme.

(5) In case trial/appellate court gives findings that the criminal complaint and the allegation were false, then Legal Services Authority may initiate proceedings for recovery of compensation, if any, granted in part or full under this Scheme, before the Trial Court for its recovery as if it were a fine.

10. *The Order to be placed on record.*— Copy of the order of interim or final compensation passed under this Scheme shall be placed on record of the trial Court so as to enable the trial Court to pass an appropriate order of compensation under Section 357 of the Code. A true copy of the order shall be provided to the IO in case the matter is pending investigation and also to the victim/dependent as the case may be.

11. *Method of disbursement of Compensation.*— (1) The amount of compensation so awarded shall be disbursed by the SLSA by depositing the same in a Bank in the joint or single name of the victim/dependent(s). In case the victim does not have any bank account, the DLSA concern would facilitate opening of a bank account in the name of the victim and in case the victim is a minor along with a guardian or in case, minor is in a child care institution, the bank account shall be opened with the Superintendent of the Institution as Guardian. However, in case the victim is a foreign national or a refugee, the compensation can be disbursed by way of cash cards.

Interim amount shall be disbursed in full. However, as far as the final compensation amount is concerned, 75% (seventy five percent) of the same shall be put in a fixed deposit for a minimum period of three years and the remaining 25% (twenty five percent) shall be available for utilization and initial expenses by the victim/dependent(s), as the case may be.

(2) In the case of a minor, 80% of the amount of compensation so awarded, shall be

deposited in the fixed deposit account and shall be drawn only on attainment of the age of majority, but not before three years of the deposit.

Provided that in exceptional cases, amounts may be withdrawn for educational or medical or other pressing and urgent needs of the beneficiary at the discretion of the SLSA/DLSA.

(3) The interest on the sum, if lying in FDR form, shall be credited directly by the bank in the savings account of the victim/dependent(s), on monthly basis which can be withdrawn by the beneficiary.

12. *Interim Relief to the Victim.*— The State Legal Services Authority or District Legal Services Authority, as the case may be, may order for immediate first-aid facility or medical benefits to be made available free of cost or any other interim relief (including interim monetary compensation) as deemed appropriate, to alleviate the suffering of the victim on the certificate of a police officer, not below the rank of the officer-in-charge of the police station, or a Magistrate of the area concerned or on the application of the victim/dependents or *suo moto*.

Provided that as soon as the application for compensation is received by the SLSA/DLSA, a sum of Rs. 5000/- or as the case warrants up to Rs. 10,000/- shall be immediately disbursed to the victim through preloaded cash card from a Nationalized Bank by the Secretary, DLSA or Member Secretary, SLSA.

Provided that the, interim relief so granted shall not be less than 25 per cent of the maximum compensation awardable as per schedule applicable to this Chapter, which shall be paid to the victim in totality.

Provided further that in cases of acid attack a sum of Rs. One lakh shall be paid to the victim within 15 days of the matter being brought to the notice of SLSA/DLSA. The order granting interim compensation shall be passed by the SLSA/DLSA within 7 days of the matter

being brought to its notice and the SLSA shall pay the compensation within 8 days of passing of order. Thereafter an additional sum of Rs. 2 lakhs shall be awarded and paid to the victim as expeditiously as possible and positively within two months.

13. *Recovery of Compensation awarded to the Victim or her Dependent(s).*— Subject to the provisions of sub-section (3) of section 357A of the Code, the State Legal Services Authority, in proper cases, may institute proceedings before the competent court of law for recovery of the compensation granted to the victim or her dependent(s) from person(s) responsible for causing loss or injury as a result of the crime committed by him/her.

The amount, so recovered, shall be deposited in Woman Victim Compensation Fund.

14. *Dependency Certificate.*— The authority empowered to issue the dependency certificate shall issue the same within a period of fifteen days and, in no case, this period shall be extended:

Provided that the SLSA/DLSA, in case of non-issuance of Dependency Certificate, after expiry of 15 days, may proceed on the basis of an affidavit to be obtained from the claimant.

15. *Minor Victims.*— That in case the victim is an orphaned minor without any parent or legal guardian the immediate relief or the interim compensation shall be disbursed to the Bank Account of the child, opened under the guardianship of the Superintendent, Child Care Institutions where the child is lodged or in absence thereof, DDO/SDM, as the case may be.

16. *Limitation.*— Under the Scheme, no claim made by the victim or her dependent(s), under sub-section (4) of section 357A of the Code, shall be entertained after a period of 3 years from the date of occurrence of the offence or conclusion of the trial. However, in deserving cases, on an application made in

this regard, for reasons to be recorded, the delay beyond three years can be condoned by the SLSAs/DLSAs.

17. *Appeal*.— In case the victim or her dependents are not satisfied with the quantum of compensation awarded by the Secretary, DLSA, they can file appeal within 30 days from the date of receipt of order before the Chairperson, DLSA.

Provided that, delay in filing appeal may be condoned by the Appellate Authority, for reasons to be recorded, in deserving cases, on an application made in this regard.

18. *Repeal & Savings*.— (1) In case this Chapter is silent on any issue pertaining to Victim Compensation to Women, the provisions of Victim Compensation Scheme of the State would be applicable.

(2) Nothing in this Scheme shall prevent Victims or their dependents from instituting any Civil Suit or Claim against the perpetrator of offence or any other person indirectly responsible for the same.

Explanation: It is clarified that this Chapter does not apply to minor victims under POCSO Act, 2012 in so far as their compensation issues are to be dealt with only by the Ld. Special Courts under section 33(8) of POCSO Act, 2012 and Rules (7) of the POCSO Rules, 2012.

19. *Accounts and Audit of the Fund*.— (1) The Secretary of the Legal Services Authority of the State of Goa shall maintain proper accounts and other relevant records and prepare an annual statements of accounts including the income and expenditure and the Balance sheet in respect of the said fund.

(2) A statement of Accounts, Utilization certificate and SOE shall be submitted by the Secretary of the Legal Services Authority of the State of Goa, to the Directorate of Women and Child Development, every year.

By order and in the name of the Governor of Goa.

Dipak Desai, Director & ex officio Jt. Secretary (Women and Child Development).

Panaji, 7th January, 2019.

ANNEXURE-I

SCHEDULE APPLICABLE TO WOMEN VICTIM OF CRIMES

Sr. No.	Particulars of loss or injury	Minimum Limit of Compensation	Upper Limit of compensation
1.	Loss of Life	Rs. 5 Lakh	Rs. 10 Lakh
2.	Gang Rape	Rs. 5 Lakh	Rs. 10 Lakh
3.	Rape	Rs. 4 Lakh	Rs. 7 Lakh
4.	Unnatural Sexual Assault	Rs. 4 Lakh	Rs. 7 Lakh
5.	Loss of any Limb or part of body resulting in 80% permanent disability or above	Rs. 2 Lakh	Rs. 5 Lakh
6.	Loss of any Limb or part of body resulting in 40% & above and below 80% permanent disability	Rs. 2 Lakh	Rs. 4 Lakh
7.	Loss of any limb or part of body resulting in 20% & above and below 40% permanent disability	Rs. 1 Lakh	Rs. 3 Lakh
8.	Loss of any limb or part of body resulting in below 20% permanent disability	Rs. 1 Lakh	Rs. 2 Lakh
9.	Grievous physical injury or any mental injury requiring rehabilitation	Rs. 1 Lakh	Rs. 2 Lakh
10.	Loss of Foetus i.e. Miscarriage as a result of Assault or loss of fertility	Rs. 2 Lakh	Rs. 3 Lakh
11.	In case of pregnancy on account of rape.	Rs. 3 Lakh	Rs. 4 Lakh

12. Victims of Burning:		
(a) In case of disfigurement of face	Rs. 7 Lakh	Rs. 8 Lakh
(b) In case of injury 50% & above	Rs. 5 Lakh	Rs. 8 Lakh
(c) In case of injury less than 50%	Rs. 3 Lakh	Rs. 7 Lakh
(d) In case of injury less than 20%	Rs. 2 Lakh	Rs. 3 Lakh
13. Victims of Acid Attack-		
(a) In case of disfigurement of face.	Rs. 7 lakh	Rs. 8 Lakh
(b) In case of injury 50% & above	Rs. 5 Lakh	Rs. 8 Lakh
(c) In case of injury less than 50%.	Rs. 3 Lakh	Rs. 7 Lakh
(d) In case of injury less than 20%	Rs. 3 Lakh	Rs. 4 Lakh

Note: If a woman victim of sexual assault/acid attack is covered under one or more category of the schedule, she shall be entitled to be considered for combined value of the compensation.

ANNEXURE-II

FORM – I

APPLICATION FOR THE AWARD OF COMPENSATION UNDER COMPENSATION SCHEME FOR WOMEN VICTIMS/SURVIVORS OF SEXUAL ASSAULT/OTHER CRIMES, 2018 FOR INTERIM/FINAL RELIEF FOR WOMEN

1. Name of the Applicant Victim(s) or her/Dependent(s)
2. Age of the Victim (s) or her/Dependent (s)
3. (a) Father's Name (b) Mother's Name (c) Spouse's Name
4. Address of the Victim(s) or her/their/Dependent(s)
5. Date and time of the Incident
6. Whether FIR has been lodged? (enclose copy)
7. Whether medical examination has been done? If yes, enclose Medical Report/Death Certificate/P.M. Report.
8. Status of trial, if pending. If over, enclose copy of judgment and order on sentence.
9. Has the applicant been awarded any compensation by the trial court or any other Govt. agency. If, yes give details.
10. Give details of financial expenditure/loss incurred
11. Has the applicant instituted any civil suit/claim against the perpetrator of offence. If yes give details.

Signature of the Victim/Dependent.

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Printed and Published by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE – Rs. 39.00

PRINTED AT THE GOVERNMENT PRINTING PRESS, PANAJI-GOA—311/160—1/2019.